

APPEAL NO. 030502
FILED MARCH 24, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 21, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury, including a compensable low back injury on _____, and had disability beginning on July 1, 2002, and continuing through October 25, 2002. The appellant (carrier) appealed, arguing that the hearing officer's determinations are so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that he worked as a materials handler for the employer and that on _____, he was lifting and stacking heavy metal doors and felt a sharp pain in his lower back. The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he has had disability as defined by Section 401.011(16). Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, the hearing officer's decision is supported by the claimant's testimony and by reports of the treating doctor. We conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). We find no merit in the carrier's contention that the hearing officer's decision of causation is not based on all the facts. There is nothing in the record before us to suggest that the hearing officer did not review all the evidence before him in making his determinations.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Roy L. Warren
Appeals Judge